

## **NOTICE**

**To:** Members of the Bankruptcy Bar  
**From:** Judges Federman, Koger, and Venters  
**Re:** Chapter 13 Docket

In the past 12 months, we have had a 62% increase in the Kansas City Chapter 13 caseload, and dramatic increases in each of the outlying divisions as well. Not surprisingly, this increase has led to longer dockets, and more idle court time for both attorneys and their clients. In addition, there is still some probability that bankruptcy reform legislation will be enacted at some point in the near future, one purpose of which would be to encourage the use of Chapter 13, as opposed to Chapter 7. Obviously, we wish to afford all parties the opportunity to present their case as close as possible to the scheduled time. In reviewing the docket, we have concluded that a significant amount of court time is spent calling confirmation hearings as to which there is no real dispute. In a typical case, the Trustee will detail his objections to confirmation at the Section 341 Meeting of Creditors, and then file a pleading with the Court setting out those objections. Too often, debtors wait until immediately prior to the confirmation hearing to respond, often by filing an Amended Plan. As a result the Deputy Clerk, the Trustee, and the Judge are obligated to deal with a matter as to which there is no real dispute. And, attorneys and parties are delayed in having their matters heard in Court. For that reason, we are implementing the following procedures concerning confirmation of Chapter 13 plans:

1. The Trustee will continue to detail his objections to confirmation, if any, at the Section 341 Meeting of Creditors. Thereafter, he will file a Motion to Deny Confirmation. Pursuant to Local Rule 9013-1(D), the debtor is given twenty (20) days to respond to such Motion. Debtor may take one of three actions during the twenty (20) day period.

- (a) File no response, in which case confirmation will be denied, with the debtor ordinarily being given twenty (20) days to file an Amended Plan; or
- (b) File an Amended Plan, in which case no confirmation hearing will be held. The Trustee and creditors will have the opportunity to review the Amended Plan and file objections, if appropriate; or
- (c) File a response, in which case a confirmation hearing will be set.

If parties do file a response to the Trustee's objection, their response should specifically set out their disagreement with the Trustee's position. In other words, responses such as "Debtor requests a hearing" or "Debtor wishes to remain in Chapter 13" are not sufficient. If the debtor does respond to the Trustee's objection, counsel should at the confirmation hearing be prepared to offer evidence in support of that response. If a response is not so supported at the confirmation hearing, the Court reserves the right to sanction counsel pursuant to Bankruptcy Rule 9011.

These procedures will be implemented immediately, and will apply to confirmation objections raised either by the Trustee or by any creditor.

2. Beginning in September, we will have an extra Chapter 13 docket each month in the Kansas City Division, and that docket will deal solely with confirmation issues. Motions to Deny Confirmation will be scheduled for 9:00 a.m., in numerical case order.

This has been a year of rapid change in the bankruptcy practice. We have all had to adjust to the CM/ECF system, as well as to the dramatic increase in case load. Looming on the horizon are changes not only in the Bankruptcy Code, but also in Article 9 of the U.C.C. We believe that the changes set out here will assist all involved in dealing with our increased caseload.